

IN THE UNITED STATES DISTRICT COURT FOR THE  
NORTHERN DISTRICT OF MISSISSIPPI  
GREENVILLE DIVISION

UNITED STATES OF AMERICA

PLAINTIFF

V.

CASE NO. 4:15-CR-00050-SA-JMV

MICHAEL ALLEN TARVER

DEFENDANT

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MOTION FOR PROTECTIVE ORDER

*Expedited Consideration Requested*

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The Boyle-Skene Water Association, by counsel and pursuant to the Federal Rules of Criminal Procedure submits this Motion for Protective Order as follows:

1. This criminal matter involves an indictment against Defendant Tarver for tampering with public water systems under 42 USC 300I-1(A). The victim in this case is the Boyle-Skene Water Corporation.

2. Defendant Tarver has issued a subpoena to Protech, LLC, seeking

A certified copy of any and all records regarding the backup records of all documents owned and/or operated by Boyle Skene Water Corporation during the date of December 1, 2013 to February 28, 2015. This subpoena may be complied with by returning the records to Cynthia A. Stewart, 118 Homestead Drive, Madison, Mississippi 39110, by October 9, 2015.

See Subpoena attached as Exhibit "A."

3. Boyle-Skene Water Corporation seeks a protective order related to the subpoena described above and attached as Exhibit "A."

4. The information that Defendant seeks from ProTech is information owned by Boyle-Skene Water Association. ProTech provides technological services to the water corporation including backup of its computer information.

5. Most significantly, the information requested by Defendant from ProTech includes emails and documents that are protected by the attorney-client privilege, work-product privilege, and prepared in anticipation of litigation.

6. Defendant Tarver filed an employment-related civil suit against Boyle-Skene Water Association on January 13, 2015. *See* Complaint, Exhibit “B.”

7. The civil Complaint was filed within the time period designated in the Subpoena to ProTech attached as Exhibit “A.” The civil defendants were not served until approximately March 6, 2015, which is outside of the timeframe designated in the Subpoena to ProTech.

8. However, to the extent that the subpoena seeks privileged information, including attorney-client communications, documents prepared in anticipation of litigation or documents and information prepared as work-product related to the civil litigation, Boyle-Skene Water Association asks the Court to enter a protective order precluding production of such information.

9. Production in this litigation of privileged information related to the civil suit will unduly and severely prejudice Boyle-Skene Water Corporation’s ability to maintain its defenses in the civil suit.

10. Additionally, to the extent that other attorney-client privileged information and communications exist on the computers that have been subpoenaed, related to other legal matters for Boyle-Skene Water Corporation, the Water Corporation asks the Court to enter a protective order precluding production of such information.

11. The intent of this Motion is in no way to hinder the investigation or prosecution of the allegations against Defendant Tarver. The Water Association seeks simply to protect privileged information that relates to the civil lawsuit filed against it by Tarver and to protect other legally privileged information contained on the backup computer drives sought by Tarver's subpoena.

WHEREFORE, PREMISES CONSIDERED, the Boyle-Skene Water Association requests that the Court grant this motion and award any and all other and further relief the Court deems proper.

RESPECTFULLY SUBMITTED, this the 5th day of October, 2015.

**BOYLE-SKENE WATER ASSOCIATION**

BY: /s/ Laura F. Rose

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**CERTIFICATE OF SERVICE**

I do hereby certify that I have this day electronically filed the foregoing with the Clerk of the Court using the ECF system which sent notification of such filing to all counsel of record. I further certify that I have this day sent by US Mail, postage prepaid, a copy of the above Motion to the following:

Protech, LLC  
Attn.: Tony Jones  
109 S. Davis Avenue, Suite B2  
Cleveland, Mississippi 38732

THIS the 5th day of October, 2015.

/s/ Laura F. Rose